

Appln. No.: 09/740,382
Amendment Dated July 14, 2005
Reply to Office Action of May 19, 2005

MATP-593US

Remarks/Arguments:

Claims 1 and 3-19 are pending in the above-identified application.

The Examiner has asserted that claims 1, 11 and 17 would only be enabled for the illustrated example of Figure 2. Thus, the Examiner suggested that claim 1, and similarly claims 11 and 17, should be amended to recite, "a channel selector which selects and tunes the channel by adding the base channel and the channel indicator corresponding to the channel at the position of the cursor on the matrix." Applicants respectfully disagree with this suggestion because it implies that a position in the matrix corresponds to only one channel. As would be understood by one of ordinary skill in the art, however, a channel indicator in the channel matrix corresponds to a different channel in each channel group. Thus, it is not the position in the matrix that determines the channel number to which the television receiver is tuned but the sum of that channel indicator and the base channel number. The claims have been amended to clarify this correspondence.

Claims 1 and 3-19 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This ground for rejection is overcome by the amendments to claims 1, 11, 16 and 17. In the Office Action, the Examiner asserted that the specification is silent to the process of adding certain values to other values to determine a selected channel for tuning. The Examiner also asserted that displayed channel numbers are known in the art to be channel mapped to other physical channel numbers and are tuned without an adding process. While Applicants respectfully disagree with Examiner's assertions, Applicants have amended the claims to recite, instead, the step of "tuning the television receiver to the channel number equal to the sum of the channel indicator at the position in the matrix indicated by the cursor and the base channel number." Basis for this amendment may be found in Figures 8 and 9, each of which show the channel number to which the television receiver is tuned (i.e. 345 in Figure 8 and 343 in Figure 9) as being the sum of the base channel number (300 in both cases) and the channel indicator at the position of the cursor (i.e. 45 in Figure 8 and 43 in Figure 9). This amendment is also supported in the specification at page 8, lines 16-19, at page 9, lines 18-27, at page 12, lines 20-30 and at page 13, lines 21-30.

Although the word "sum" is not explicitly used in the specification, one of ordinary skill in the art would understand from these examples that the channel to which the television

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receiver is tuned is the sum of the base channel number and the channel indicator at the cursor position in the matrix. It is well settled that

The test for sufficiency of support in a parent application is whether the disclosure of the application relied upon "reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter." *Ralston Purina Co. v. Far-Mar-Co., Inc.*, 772 F.2d 1570, 1575, 227 USPQ 177, 179 (Fed. Cir. 1985) (quoting *In re Kaslow*, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983)).¹

It is also well settled that "The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement."²

Thus, with these amendments, claims 1 and 3-19 are not subject to rejection under 35 U.S.C. § 112, first paragraph.

The prior art made of record but not applied has been considered but does not affect the patentability of the invention.

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¹ MPEP § 2163.01

² Id.

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In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1 and 3-19.

Respectfully submitted,


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Serena D. Clemons